

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCUS BARNES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 20-cv-2137
)	
ROB JEFFREYS, in his official)	Hon. Virginia M. Kendall
capacity as the Director of the Illinois)	
Department of Corrections,)	
)	
Defendant.)	

PROPOSED PERMANENT INJUNCTION ORDER

Plaintiffs, a class of individuals imprisoned in the Illinois Department of Corrections (“IDOC”) who have completed their court-ordered sentences of incarceration and are entitled to release to a community setting on parole or mandatory supervised release (“MSR”), challenged the constitutionality of 730 ILCS 5/3-3-7(a)(7.6) (the “One-Per-Address Statute”), a section of the Illinois Uniform Code of Corrections which prohibits an individual on parole or MSR for a sex offense from living “at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense.”

On March 26, 2021, this Court issued a memorandum opinion and order finding that the One-Per-Address Statute violates the Eighth and Fourteenth Amendments because it “operates to keep indigent and homeless sex offenders incarcerated

beyond their term of imprisonment” and “creates an illegal classification based on wealth which deprives Plaintiffs of their liberty as a result of their inability to pay.” ECF No. 95.

For the reasons set forth in full in the Memorandum Opinion and Order, IT IS
HEREBY ORDERED:

- Defendant is permanently enjoined from enforcing the “One Person Per Address” provision in 730 ILCS 5/3-3-7(a)(7.6);
- Proposed host sites remain subject to the IDOC’s review and approval pursuant to the applicable provisions of the Illinois Criminal Code, the Illinois Code of Corrections, and/or any other applicable laws, regulations, and policies and procedures, and IDOC retains the discretion to deny sex offenders release to host sites deemed unsafe or likely to impede the sex offender’s rehabilitation;
- Approval of proposed host sites is subject to acceptance by the host, program operator, or landlord; and subject to the proposed housing locations’ otherwise being approved by IDOC as meeting all requirements and satisfying applicable provisions of Illinois law.

Date

Virginia M. Kendall
United States District Judge